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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/587,448 | 12/01/95 | HO KEUNG | T |

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EXAMINER
LAUFER, P

ART UNIT
3642

35

PAPER NUMBER
DATE MAILED: 06/09/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|--|---|-------------------------------------|
| Notification of Non-Compliance with 37 CFR 1.192(c) | Application No. 08/587,448 | Applicant(s) Tse Ho Keung |
| | Examiner 703306 U/60 Pinchus M. Laufer | Group Art Unit 3642 |

The Appeal Brief filed on May 8, 1998 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed. The new complete brief must be filed IN TRIPPLICATE. See 37 CFR 1.192(a).

1. The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. A single ground of rejection has been applied to two or more claims in this application, and
 - a. the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. Other (including any explanation in support of the above items):

See Attached .

DETAILED ACTION

The brief should contain the following items under the following headings in the order presented here. Under some of the items there are comments as to problems with the current brief as filed.

(1) *Real Party in Interest*

The brief does not contain a statement identifying the Real Party in Interest.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

No amendment after dated 4 April 1998 has been received. In any event, such an amendment would not be considered since the 6 month statutory period for response expired on 19 March 1998.

The "substitute specifications" referred to are also "amendments after final".

(5) *Summary of Invention*

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct.

Problems:

(a) Whether claims stand or fall together should be addressed under the heading "Grouping of Claims"

(b) Issue E) seems to be concerned with U.S.C. 101. There is no rejection under section 101 in the final office action.

(c) Issue F) seems to be argument with respect to the 102(e) rejection. If so, it is not a separate issue, but belongs in the "arguments" section.

(7) *Grouping of Claims*

For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph(8), appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

Appellant has stated that independent claims 1, 12, and 17 are separate, but has not stated which other claims are grouped with each of the independent claims.

(8) *Argument*

The contentions of appellant with respect to each of the issues presented for review in paragraph (6), and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each issue should be treated under a separate heading.

For each rejection under 35 U.S.C. 112, second paragraph, the argument shall specify the errors in the rejection and how the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For each rejection under 35 U.S.C. 102, the argument shall specify the errors in the rejection and why the rejected claims are patentable under 35 U.S.C. 102, including any specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection.

(9) *Appendix*

The Appendix should contain a copy of the claims appealed. The current Appendix contains claims with modifications which have not been entered.

Information Regarding Communication with the PTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinchus M. Laufer whose telephone number is (703) 306-4160. The examiner can normally be reached on weekdays from 7:30 am to 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. T. Tarcza, can be reached on (703) 306-4171. The fax phone number for this Group is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4177.

Pinchus M. Laufer
June 5, 1998
PL

Thomas H. Tarcza

THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
GROUP 2200 3640